

LEGL 215
LEGAL ETHICS AND THE ROLE OF THE LEGAL PROFESSIONAL
Spring 2014

INSTRUCTOR: D. Periman, J.D.
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OFFICE HRS: M/W 9-11:00 AM (Appointments are recommended during office hours and required for conferences at other times)
CLASS TIME: M/W 11:30 AM – 12:45 PM
LOCATION: SSB 251

COURSE DESCRIPTION:

Studies legal ethics and the nonlawyer professional's role in a law office, corporate or public interest legal department, or government agency. Explores nature, scope and ethics of legal practice and the relationship of nonlawyer staff to lawyers, clients, the court system and the public. Legal practice in Alaska and the rules governing the unauthorized practice of law are emphasized. Foundational practice skills and principles of legal research and writing are introduced. Emphasizes professional skills development. Legal specialty course.

COURSE OUTCOMES:

At the conclusion of this course you will be able to:

1. Identify the genesis of paraprofessional roles in American legal practice and the key factors shaping development of those roles.
2. Relate the rules of legal ethics and unauthorized practice of law in Alaska to specific categories of paraprofessional activity.
3. Recognize the allocation of professional responsibility between paraprofessional staff and lawyers, and the duties of paraprofessionals to the client, legal tribunals, and third parties.
4. Interpret legal terminology and demonstrate foundational legal practice skills and basic principles of legal research and writing.

REQUIRED TEXTS:

Tower Publishing, *Alaska Rules of Court* (Official Version) (2013-2014) [print version required]

Judy A. Long, *Substantive Law for the Legal Professional* (2008)

Alaska Bar Association Adopted Ethics Opinions,
https://www.alaskabar.org/servlet/content/topical_index_adopded_ethics_opinions.html

Ruth Ann McKinney & Katie Rose Guest Pryal, *Core Grammar for Lawyers* (interactive website) available at www.coregrammarforlawyers.com

- Go to <http://coregrammar.com/getcgl> in your browser
- Complete the form and be sure to select "Alaska" for your state and "Paralegal Studies, University of Alaska Anchorage" for your school
- On the payment page, enter "UOAA2014" in to the Access Code field. Your discounted price will appear immediately
- Enter your credit card information, verify the purchase, and continue on to create your Core Grammar for Lawyers account

- The course code for our class is 114-311-8132

ATTENDANCE POLICY:

Regular, punctual class attendance and participation are required. You will be held responsible on the mid-term and final exams for all material covered in class whether or not the material is included in your class text. Attendance will be taken at the beginning of each class period. Students not present when attendance is taken will be counted absent for the entire class period. Periodic unannounced quizzes may be given in class to check understanding of course materials. Quiz scores will comprise part of your class participation grade. **These quizzes may not be made up.** Any student who fails to attend at least 70% of the course meetings may be involuntarily withdrawn from the course without additional notice.

RECORDING / ELECTRONIC DEVICES:

The use of electronic devices to record or transmit class lectures, discussions, or other activities is prohibited. This course is taught using an interactive approach that requires frequent student participation. Not only is it generally **unethical to record others without their consent**, but many students are uncomfortable when asked to speak in class, and the use of tape recorders or other recording devices can significantly lower the quality of student participation. If a disability or other unusual circumstance makes electronic recordation desirable, please see the instructor in advance so that appropriate accommodation may be made. In addition, **please silence your telephone** and any other potentially distracting electronic devices when you come to class. This includes text messaging capability. Please use “Do Not Disturb” or the equivalent so you and the rest of the class are not distracted by buzzing or vibration. If a family emergency requires that you leave your phone on during class please let the instructor know in advance so that an accommodation may be made that is fair to other students.

LAPTOP POLICY:

The use of laptops or tablets for the purpose of note taking or special course projects is permitted. **All other uses are prohibited.** If you violate this policy you may be asked to discontinue use of the device for the remainder of the class period. A second offense will result in loss of laptop/tablet privileges in class for the remainder of the semester. Your use of a laptop or tablet in the classroom will signify that you **consent** to the instructor’s periodic review of your screen for compliance with course policies. The instructor reserves the right to prohibit all laptop and tablet use for the benefit of the entire class. Students with a disability necessitating laptop or tablet use should see the instructor.

READING / HOMEWORK REQUIREMENTS:

Reading assignments must be completed prior to class to facilitate class discussion. Weekly written assignments and computer lab assignments must be completed by the beginning of class on the due date, with a grade of “pass.” All **assignments must be submitted in typeface** unless otherwise indicated. Please include in the upper right-hand corner of each assignment your full name, the submission date, and the assignment number.

CORE GRAMMAR EXERCISES:

Excellent writing is a cornerstone of the legal profession. To ensure that you have the skills you need to build a career in this field, the Legal Studies program has adopted Core Grammar for Lawyers, an online learning tool, for this course.

To purchase your subscription, go to CoreGrammarforLawyers.com. You must purchase a one year subscription, but you are welcome to purchase a longer subscription if you wish. You may also renew your subscription when it expires if you feel you need additional work in this area.

Starting your subscription is a two-step process. First, you will purchase your subscription. Next, you “activate” your subscription. When you activate your subscription, enter this exact **Class Code: 114-311-8132**. If you have already purchased and activated your subscription, you may add your Class Code by going to “My Account” and selecting “Edit Account Information.”

Once your subscription is activated, you may begin by taking the pretest, which is linked off your home page. Do NOT opt-out of the pretest. Instead, set aside 45-90 minutes to answer the pretest questions to the best of your ability. Do not consult outside resources. It is a closed book exam. You must take the pretest by 11:30 AM on **January 27, 2014**.

Over the course of the semester you will complete ten grammar exercises. The assigned exercises are listed at the end of this syllabus. Please do them in the order listed. If you test out of some grammar exercises based on your pretest, you may skip to the next listed lesson. Note that there are 24 lessons listed, but you need only complete the first ten lessons that your pretest indicates will be useful for you. If your pretest indicates you are proficient in 14 or more lessons, you may revisit lessons to reach the ten required. You must complete a minimum of five lessons by 11:30 AM on **March 5, 2014**. The remaining five must be complete by 11:30 AM on **April 23, 2014**.

With the exception of the deadlines to complete the pretest, first five lessons, and last five lessons, you may work on these exercises at your own pace. They are ungraded and designed to allow you to practice developing a necessary professional skill without impact on your grade. However, you must complete all assignments before receiving a grade in the class. If your assignments are not complete by the April 30 deadline you will not receive a grade for the course. If you are late taking the pretest or completing the first five or last five lessons, these missed deadlines will be treated like late assignments and result in a deduction of points from your final grade as explained below.

COURSE GRADING:¹

The course grade is based on attendance, participation, satisfactory completion of homework assignments, a group presentation, two midterms and a final exam. Homework assignments are ungraded to allow you the opportunity to practice new skills without fear of penalty for mistakes. However, **all assignments must be turned in at the beginning of class on the due date** unless otherwise indicated. Because compliance with deadlines is one of the most important components of your studies, ***no late assignments will be accepted.***

¹ A “satisfactory” grade is a “C.” To earn an “A” or “B” a student’s performance must go beyond meeting the basic course requirements. As indicated in the current UAA Catalog, an “A” is an honor grade indicating a comprehensive mastery of the required work. This is “excellent” or “superior” work which demonstrates creative and analytical thinking. A “B” indicates a high level of performance in meeting course requirements. This is “above average” or “very good” work which demonstrates a significant understanding of the lecture and reading materials. A “C” indicates satisfactory completion of required work and a basic understanding of lecture and reading materials. Letter grades will correspond to the following percentages:

90-100 = A
80-89 = B
70-79 = C
60-69 = D

Each written assignment not completed and submitted by the date and time due will result in a lowering of the final course grade by five percent of the total possible course points available. Assigned presentations are mandatory. Failure to make any assigned presentation will result in a participation grade of zero as well as a loss of five percentage points per missed assignment or presentation from the final course grade, as described above. A grade of incomplete will be given only for medical emergencies or other unavoidable occurrences and only at the instructor's discretion.

Your final letter grade will be calculated based on the following percentages: 25% class attendance and participation; 20% first mid-term exam; 25% second mid-term exam; 30% final exam; less deductions for any missing assignments.

Missed exams may not be made up. No individualized extra credit work will be assigned or accepted.

EXAMINATION PROCEDURES:

Failure to take an exam at the scheduled time will result in an exam grade of zero unless arrangements are made **in advance** to take the exam at an alternate time. An exam will be rescheduled only for serious, unavoidable occurrences. Students are expected to begin the exam at the scheduled start time, and will not be permitted to continue working past the time scheduled for completion of the exam. **No student may begin work on an exam after another student has submitted the exam and left the classroom.** No books, notes or consultation with others will be allowed during exams and you will not be allowed to leave the room and return to continue work on an exam. Please plan accordingly. Students who have medical or other conditions that make completion of exams within the scheduled time period difficult are encouraged to consult with the University's Disability Support Services.

ACADEMIC HONESTY:

Academic integrity is a basic principle that requires that students take credit only for ideas and efforts that are their own. Academic dishonesty (cheating) is defined as the use of unauthorized assistance to prepare materials submitted as original work. Instances of academic dishonesty will not be tolerated. Any dishonest behavior associated with your participation in this class may result in a failing grade for the course. Specific instances of academic dishonesty include, but are not limited to, the use of another's words or ideas, in whole or in part, without adequate citation; submitting your work to anyone else for review, editing or correction; and the use of electronic recording devices in class without the written permission of the instructor. Please review the current catalog for further information on academic dishonesty and disciplinary procedures.

DISABILITY SERVICES:

If you experience a disability and would like information about support services, contact Disability Support Services, located in RH 105. You may contact them by phone at 786-4530. Available services are listed on the DSS website www.uaa.alaska.edu/dss.

MANAGING STRESS:

As a student, you may experience a range of challenges that can interfere with learning, such as strained relationships, increased anxiety, substance use, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may diminish your academic performance and/or reduce your ability to participate in daily activities. UAA services are available and treatment does work. You can learn more about confidential mental health services available on campus at either:

www.uaa.alaska.edu/studenthealth/ or www.uaa.alaska.edu/psych/services/. 24 hour emergency help is also available through the **Alaska Careline** at **877-266-4357** or at www.carelinealaska.com.

COURSE SCHEDULE:²

The course topic and exam schedule is set out below. You should complete the applicable reading assignment prior to attending each class meeting. For example, the readings listed for January 15 should be read before coming to class on January 15.

Schedule

Week 1

- 1/13 Overview of Legal Profession, Roles of Legal Professionals, Nonlawyer Legal Professional Careers, Associations and Employment

Reading:

- Alaska Bar Association Ethics Opinion No. 73-1, Use of Legal Assistants, https://www.alaskabar.org/servlet/content/indexes_aeot_73_1.html

New Assignment (Assignment 1): Student Introductions

- Due: 11:30 AM on 1/22/2014
- Instructions: Send the instructor an email from your UAA mail account. In the email describe something interesting or unique about you, something you would like the instructor to know about you, or describing what you hope to learn in the class. Attach a current picture of yourself. Your email should be approximately three or four sentences long.

New Assignment (Assignment 2): Core Grammar Pretest

- Due: 11:30 AM on 1/27/2014
- Instructions: online in Core Grammar

- 1/15 Continue Overview of Legal Professional Careers and Associations; History of Profession and Role of Nonlawyer Professionals in Access to Justice

Reading:

- U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook*, Paralegals and Legal Assistants, <http://www.bls.gov/ooh/Legal/Paralegals-and-legal-assistants.htm>
- U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook*, Lawyers, <http://www.bls.gov/ooh/legal/lawyers.htm>
- Susan M. McCabe, *A Brief History of the Paralegal Profession*, Michigan Bar Journal 18 (July 2007), <http://www.michbar.org/journal/pdf/pdf4article1177.pdf>

New Assignment (Assignment 3): Complete first five Core Grammar lessons

- Due: 11:30 AM on 3/5/2014

New Assignment (Assignment 4): Complete ten Core Grammar lessons

- Due: 11:30 AM on 4/23/2014

Week 2

- 1/20 **Alaska Civil Rights Day – no class**

² Please note that each group of students is different. To the extent necessary, the course schedule may be adjusted to allow extra time on a particular subject. The instructor reserves the right to modify or add readings and assignments for the purpose of fostering subject mastery and to make such other changes to the syllabus as are deemed appropriate for instructional purposes. Any changes will be announced in class. Students bear responsibility for remaining informed of changes to the course schedule.

1/22 Professionalism and Legal Ethics: Workload Management, Case Management, and Ethics

Reading:

- Judy A. Long, Substantive Law for the Legal Professional (Long), pages 88-101
- AK. R. Prof. C. 1.1 (Rule and Comment)
- AK. R. Prof. C. 1.3 (Rule and Comment)
- AS 09.10.010 (in Blackboard)
- *Kirk v. Demientieff*, 145 P.3d 512 (Alaska 2006) (in Blackboard)
- *Alva v. Teen Help*, 469 F.3d 946 (10th Cir. 2006) (in Blackboard)
- *State v. Jeffery*, 170 P.3d 226 (2007) (in Blackboard)

New Assignment (Assignment 5): Electronic Calendaring.

- Due: 11:30 AM in class 1/29/2014
- Instructions: course handout

New Assignment (Assignment 6): Eportfolio and Eportfolio presentation.

- Due: electronic submission by 11:00 PM 4/14/2014
- Instructions: course handout

***Assignment Due:** Assignment 1, Introductions

Week 3

1/27 Regulation of Legal Professionals, Overview of Legal Ethics, and the Unauthorized Practice of Law

Reading:

- Preamble and Scope: A Lawyer's Responsibilities, Alaska Rules of Professional Conduct, Alaska Rules of Court (page 845-846)
- Alaska Statute 08.08.210, Who may practice law,
http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx97/query=*/doc/{ @1024 }?next
- Alaska Bar Rule 5, Alaska Rules of Court: Requirements for Admission to the Practice of Law
- Alaska Statute 08.08.230, Unlawful practice a misdemeanor,
http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx97/query=*/doc/{ @1024 }?next
- Alaska Bar Rule 63, Alaska Rules of Court: Unauthorized Practice of Law Defined
- *Christiansen v. Melinda*, 857 P.2d 345 (Alaska 1993)

***Assignment Due:** Assignment 2, Core Grammar Pretest

1/29 Information Literacy and the Legal Professional/Information Literacy Survey

Continue Regulation of Legal Professionals, Professional Ethics, and the Unauthorized Practice of Law

***Assignment Due:** Assignment 5, Print-out of Electronic Calendar

Week 4

2/3 Overview of American Legal System: Key Concepts and Terms

Reading:

- Long, chap. 1, chap 6 page 104
- About America: How the United States is Governed, http://www.america.gov/publications/books/us_governed.html. (In Blackboard Materials)
- Thomas F. Hogan, *The Federal Court System in the United States* (3d ed. 2010), <http://www.uscourts.gov/uscourts/FederalCourts/Publications/English.pdf>. (In Blackboard Materials)
- Alaska Court System Structure, <http://courts.alaska.gov/reports/profile2013flowchart.pdf>
- Profile of Alaska Court System, **pages 1-4**, <http://courts.alaska.gov/reports/profile2013.pdf>

2/5 Continue Overview of American Legal System

Week 5

2/10 Legal Research: Overview of Resources (Traditional and Electronic), Citation systems

Reading:

- Long, chapter 12
- Brooke Gladstone, *The Influencing Machine* (2011), pages 47-55
- Citation Handouts

2/12 Continue Legal Research: Methods and Updating/Legal Citators

New Assignment (Assignment 7): Researching court opinion

- Due: 11:30 AM in class 2/19/2014
- Instructions: *Using Lexis-Nexis Academic*, locate an opinion from the *Alaska Supreme Court* or *Alaska Court of Appeals* discussing the unauthorized practice of law. Print the first page of the case, and the pages on which the UPL discussion appears. Highlight the references to UPL.

Week 6

2/17 Library Work Session on Legal Research

New Assignment (Assignment 8): Legal resources in print scavenger hunt

- Due: 11:30 AM in class 3/3/2014
- Instructions: See course handout

2/19 Midterm Review

***Assignment due:** Assignment 7, UPL opinion

Week 7

2/24 Midterm 1

2/26 Legal Writing: Technical Rules, Style Conventions, The Bluebook

Reading: Course Handout

New Assignment (Assignment 9): End of semester presentation

- Due: 11:30 AM in class 4/16/2014

Week 8

3/3 Continue Legal Writing
***Assignment due:** Assignment 8, Scavenger hunt findings.

3/5 Researching Legal Ethics and Working with Ethics Opinions
***Assignment Due:** Assignment 3, first five Core Grammar lessons

Week 9

3/10 **Spring Break – No Class**

3/12 **Spring Break – No Class**

Week 10

3/17 Key Concepts in Legal Ethics: Competence and Negligence, Confidentiality, Attorney-Client Privilege, and Work Product Doctrine

Reading:

- AK. R. Prof. C. 1.1 (Rule and Comment)
- AK. R. Prof. C. 1.6 (Rule and Comment)
- AK. R. Evid. 503 (Rule and Commentary)
- AK. R. Civ. P. 26(b)(3)
- *Langdon v. Champion*, 752 P.2d 999 (Alaska 1988) (in Blackboard)

3/19 Continue Key Concepts: Confidentiality and Conflicts of Interest

Reading:

- AK. R. Prof. C. 1.7 – 1.10 (Rules and Comments)

Week 11

3/24 Continue Key Concepts: Conflicts of Interest, Misrepresentation, Diligence and Duties to Others

Reading:

- AK. R. Prof. C. 1.3 (Rule and Comment)
- AK. R. Prof. C. 3.1 (Rule and Comment)
- AK. R. Prof. C. 3.3 (Rule and Comment)
- AK. R. Prof. C. 3.4 (Rule and Comment)
- AK. R. Prof. C. 4.1 – 4.4 (Rules and Comments)
- AK. R. Prof. C. 6.1 (Rule and Comment)

3/26 Midterm Review

Week 12

3/31 **Midterm 2**

- 4/2 Continue Ethics Topics of Special Concern to Legal Professionals: Solicitation and Advertising, Lawyer's Duty of Supervision, Fair Fees and Client Trust Accounts

Reading:

- AK. R. Prof. C. 7.3 (Rule and Comment)
- AK. R. Prof. C. 5.1 (Rule and Comment)
- AK. R. Prof. C. 5.3 (Rule and Comment)
- AK. R. Prof. C. 1.5 (Rule and Comment)
- AK. R. Prof. C. 1.15 (Rule and Comment)

Note - Course Withdrawal Deadline is Friday, April 4 (subject to change, verify with Registrar's Office)

Week 13

- 4/7 Continue Ethics Topics of Special Concern to Legal Professionals: Fair Fees and Client Trust Accounts, Duty to Report Unethical Behavior, Consequences of Unethical Behavior

Reading:

- AK. R. Prof. C. 8.3 (Rule and Comment)
- AK. Bar. R. 16

- 4/9 The Legal Workplace: Ethical Issues Associated with E-Mail and Software Use, Legal Timekeeping and Billing

Reading: Course Handout

Week 14

- 4/14 Litigation and Civil Procedure: Role of Legal Paraprofessionals, Tools for Litigation Support and Management

Reading: Long, chapter 5

***Assignment due:** 11:00 PM – Assignment 6, E-portfolio electronic submission due

- 4/16 Continue Litigation and Civil Procedure / Student Presentations

***Assignment due:** 11:30 AM – Assignment 9, E-portfolio presentation print-out due in class

Week 15

- 4/21 Agency Law / Student Presentations

Reading: Long, pages 57-60

- 4/23 Property Law and Principles of Ownership / Student Presentations

Reading: Long, chapter 11

***Assignment Due:** Assignment 4, ten Core Grammar lessons completed

Week 16

- 4/28 The Big Ideas/Course Review

- 4/30 **Finals Week – No Class**

- 5/2 **Friday (Not Monday/Wednesday!) Final Exam 8:00 AM** (Note that date and time are subject to rescheduling. Listen for class announcements and check Blackboard for confirmation.)

Notice Regarding Safety on Campus

We care about your safety on campus. While relatively safe, our campus is NOT a sanctuary from crime and accidents still occur no matter how hard we try to prevent them. You are encouraged to be responsible for your own safety and to bring safety concerns to the attention of UAA faculty or staff, or to contact campus police at 786-1120 when you observe an unsafe environment. For your own safety, please also take time to locate the nearest exit and emergency telephone when you are in campus buildings.

Emergency Building Evacuations During Finals Week

Finals are not cancelled automatically. In the event of an emergency evacuation during class time, you should vacate the building as rapidly as possible and report to a designated assembly site for rescheduling. The location of the designated assembly site will be provided to you as you leave the building.

Grammar Lesson List (listed in the order you should complete each lesson)

I. Basic Grammar

A. Section D: Verbs and Agreement (*note you're skipping over A, B, and C at first*)

1. Lesson 1: Subject-Verb Agreement
2. Lesson 2: Advanced Verb Forms
3. Lesson 3: Pronoun Agreement
4. Lesson 4: Agreement with Plural & Possessives

B. Section A: Sentence Structure

1. Lesson 1: Interruptions & Commas
2. Lesson 2: Parentheses, Dashes, & Hyphens
3. Lesson 3: Punctuation That Connects
4. Lesson 4: Introductory Material & Commas

C. Section B: Quotations

1. Lesson 1: Direct Quotations
2. Lesson 2: Nested Quotations
3. Lesson 3: Terms of Art
4. Lesson 4: Block Quotations

D. Section C: Lists

1. Lesson 1: List Creation
2. Lesson 2: Tabulated Lists
3. Lesson 3: Punctuation & Spacing of Lists
4. Lesson 4: Parallel Structure in Lists

II. Advanced Legal Grammar

A. Section E: Citation Manual Eccentricities

1. Lesson 1: Miscellaneous Mandates
2. Lesson 2: Numbers
3. Lesson 3: Alterations in Quotations
4. Lesson 4: Citation Sentences & Clauses

B. Section F: Clarity

1. Lesson 1: Vague Referents & Tricky Pronouns
2. Lesson 2: Misplaced Modifiers
3. Lesson 3: Concrete Imagery
4. Lesson 4: Transitional Words